

AMENDED IN ASSEMBLY MAY 9, 2012

AMENDED IN ASSEMBLY MAY 2, 2012

AMENDED IN ASSEMBLY APRIL 18, 2012

AMENDED IN ASSEMBLY MARCH 29, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 2616

Introduced by Assembly Member Carter

February 24, 2012

An act to amend Sections 48260, ~~48260.5~~, and 48264.5 of the Education Code, relating to school districts.

LEGISLATIVE COUNSEL'S DIGEST

AB 2616, as amended, Carter. School districts: truancy.

Existing law defines a truant as any pupil subject to compulsory full-time education or to compulsory continuation education who is absent from school without a valid excuse 3 full days in one school year, or tardy or absent for more than any 30-minute period during the schoolday without a valid excuse on 3 occasions in one school year, or any combination thereof, ~~and requires a school district to notify a pupil's parent or legal guardian, as specified, when a pupil is initially classified as a truant.~~ Existing law specifies that a pupil who is required to be reported as a truant is subject to specified penalties for the first through fourth instances that a truancy report is issued to a pupil.

This bill would identify specific reasons that constitute a valid excuse for which a pupil may be absent from school *for purposes of being classified as a truant.* ~~The bill would, upon the pupil's initial classification as a truant, require the school district to notify the pupil's~~

~~parent or legal guardian that, among other things, the parent or legal guardian has the right to address any absences or tardies that may have been incorrectly counted toward the classification of the pupil as a truant, thereby imposing a state-mandated local program. The bill also would revise certain penalties resulting from the issuance of specified truancy reports, and would specify that the first time a truancy report is issued, the pupil and, as appropriate, the pupil's parent or legal guardian, may be requested to attend a meeting with a school counselor or other school designee to discuss the root causes of the attendance issue and develop a joint plan to improve the pupil's attendance. The bill would specify that the 2nd time a truancy report is issued, the pupil may be personally given a written warning by a peace officer, as specified, and that the 4th time a truancy report is issued, a pupil who is adjudged a ward of the court may *instead* be required to pay a fine of not more than \$50, and that the fine, including all penalties and assessments, cannot be more than \$100 as specified.~~ The bill also would make nonsubstantive changes to these provisions.

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: *yes-no*.

The people of the State of California do enact as follows:

1 SECTION 1. Section 48260 of the Education Code is amended
2 to read:
3 48260. (a) A pupil subject to compulsory full-time education
4 or to compulsory continuation education who is absent from school
5 without a valid excuse three full days in one school year or tardy
6 or absent for more than a 30-minute period during the schoolday
7 without a valid excuse on three occasions in one school year, or
8 any combination thereof, shall be classified as a truant and shall
9 be reported to the attendance supervisor or to the superintendent
10 of the school district.

(b) Notwithstanding subdivision (a), it is the intent of the Legislature that school districts shall not change the method of attendance accounting provided for in existing law and shall not be required to employ period-by-period attendance accounting.

(c) For purposes of this article, a valid excuse includes, but is not limited to, the reasons for which a pupil shall be excused from school pursuant to Sections 48205 and 48225.5 and may include other reasons that are within the discretion of school administrators and, based on the facts of the pupil's circumstances, are deemed to constitute a valid excuse.

SEC. 2. ~~Section 48260.5 of the Education Code is amended to read:~~

~~48260.5. Upon a pupil's initial classification as a truant, the school district shall notify the pupil's parent or legal guardian using the most cost-effective method possible, which may include electronic mail or a telephone call:~~

~~(a) That the pupil has been classified as a truant.~~

~~(b) That the parent or legal guardian is obligated to compel the attendance of the pupil at school.~~

~~(c) That parents or legal guardians who fail to meet this obligation may be guilty of an infraction and subject to prosecution pursuant to Article 6 (commencing with Section 48290).~~

~~(d) That alternative educational programs are available in the school district.~~

~~(e) That the parent or legal guardian has the right to meet with appropriate school personnel to discuss solutions to the pupil's truancy and to address any absences or tardies that may have been incorrectly counted toward the pupil's classification as a truant.~~

~~(f) That the pupil may be subject to prosecution under Section 48264.~~

~~(g) That the pupil may be subject to suspension, restriction, or delay of the pupil's driving privilege pursuant to Section 13202.7 of the Vehicle Code.~~

~~(h) That it is recommended that the parent or legal guardian accompany the pupil to school and attend classes with the pupil for one day.~~

~~SEC. 3.~~

SEC. 2. Section 48264.5 of the Education Code is amended to read:

1 48264.5. Any minor who is classified as a truant pursuant to
2 Section 48260 or 48261 may be required to attend makeup classes
3 conducted on one day of a weekend pursuant to subdivision (c) of
4 Section 37223 and is subject to the following:

5 (a) The first time a truancy report is issued, the pupil and, as
6 appropriate, the parent or legal guardian, may be requested to
7 attend a meeting with a school counselor or other school designee
8 to discuss the root causes of the attendance issue and develop a
9 joint plan to improve the pupil's attendance.

10 (b) The second time a truancy report is issued within the same
11 school year, the pupil may be given a written warning by a peace
12 officer as specified in Section 830.1 of the Penal Code. A record
13 of the written warning may be kept at the school for a period of
14 not less than two years, or until the pupil graduates or transfers
15 from that school. If the pupil transfers from that school, the record
16 may be forwarded to the school receiving the pupil's school
17 records. A record of the written warning may be maintained by
18 the law enforcement agency in accordance with that law
19 enforcement agency's policies and procedures. The pupil may also
20 be assigned by the school to an afterschool or weekend study
21 program located within the same county as the pupil's school. If
22 the pupil fails to successfully complete the assigned study program,
23 the pupil shall be subject to subdivision (c).

24 (c) The third time a truancy report is issued within the same
25 school year, the pupil shall be classified as a habitual truant, as
26 defined in Section 48262, and may be referred to, and required to
27 attend, an attendance review board or a truancy mediation program
28 pursuant to Section 48263 or pursuant to Section 601.3 of the
29 Welfare and Institutions Code. If the school district does not have
30 a truancy mediation program, the pupil may be required to attend
31 a comparable program deemed acceptable by the school district's
32 attendance supervisor. If the pupil does not successfully complete
33 the truancy mediation program or other similar program, the pupil
34 shall be subject to subdivision (d).

35 (d) The fourth time a truancy is issued within the same school
36 year, the pupil may be within the jurisdiction of the juvenile court
37 that may adjudge the pupil to be a ward of the court pursuant to
38 Section 601 of the Welfare and Institutions Code. If the pupil is
39 adjudged a ward of the court, the pupil shall be required to do one
40 or more of the following:

1 (1) Performance at court-approved community services
2 sponsored by either a public or private nonprofit agency for not
3 less than 20 hours but not more than 40 hours over a period not to
4 exceed 90 days, during a time other than the pupil's hours of school
5 attendance or employment. The probation officer shall report to
6 the court the failure of the pupil to comply with this paragraph.

7 (2) Payment of a fine by the pupil of not more than fifty dollars
8 (\$50) for which a parent or legal guardian of the pupil may be
9 jointly liable. ~~Notwithstanding any other law, the fine, including~~
10 ~~all penalties and assessments, shall not exceed one hundred dollars~~
11 ~~(\$100). The fine described in this paragraph shall not be subject~~
12 ~~to Section 1464 of the Penal Code.~~

13 (3) Attendance of a court-approved truancy prevention program.

14 (4) Suspension or revocation of driving privileges pursuant to
15 Section 13202.7 of the Vehicle Code. This subdivision shall apply
16 only to a pupil who has attended a school attendance review board
17 program, a program operated by a probation department acting as
18 a school attendance review board, or a truancy mediation program
19 pursuant to subdivision (c).

20 ~~SEC. 4. If the Commission on State Mandates determines that~~
21 ~~this act contains costs mandated by the state, reimbursement to~~
22 ~~local agencies and school districts for those costs shall be made~~
23 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~
24 ~~4 of Title 2 of the Government Code.~~